STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: North Dakota

ELIGIBILITY UNDER SECTION 1931 OF THE ACT

The State covers low-income families and children under section 1931 of the Act.

The following groups were included in the AFDC State plan effective July 16, 1996:

_X_ Pregnant women with no other eligible children.

_X_ AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

___ In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996 without modification.

_X_ In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996, with the following modifications.

___ The agency applies lower income standards which are no lower than the AFDC standards in effect on May 1, 1988, as follows:

_X_ The agency applies higher income standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows: See Supplement 1 to Attachment 2.6-A Page 1.

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___ The agency applies higher resource standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows:

_X_ The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:

Assets:

1. A disregard of the first $4000 in countable assets for a 1 person household is applied and a disregard of $7000 for a 2 person or greater household is applied.
2. One vehicle of any value is exempt.
3. Disregard assets jointly owned with an SSI recipient.
4. Disregard as a resource real property which the family is making a good faith effort to sell without regard to an established time frame.
5. Non-recurring lump sum income is not available as an asset until the second month following the month of receipt.
6. Real or personal property which is essential to earning a livelihood is considered "available" in determining Medical Assistance eligibility unless the property owners are actively engaged in using the property to earn income and derive the total benefit of such income for their personal needs. An individual is actively engaged in utilizing the property if the individual contributes significant current personal labor in utilizing the property for income producing purposes. The payment of social security taxes on the income from such current personal labor is an indicator of the active utilization of the property. (Property which merely produces rental or lease income will be considered available in determining Medical Assistance eligibility.)

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7. Any prepayments or deposits which total $3000 or less which are designated and maintained by an applicant or recipient for their burial. The earnings accrued on the burial funds are excluded. A fund is considered to be designated for burial if identified as such on the account or by the applicant or recipient's statement.
8. The value of a life estate is excluded.
9. If a household is within the asset limits for any day of the month, they are asset eligible for the entire month.

Income:
1. A disregard of the greater of $90 or 27% of earned income is allowed.
2. Disregard all children's earnings if a full-time student, or a part-time student who is not working full time.
3. Disregard income from participation in Job Corps.
4. From the point of marriage, income of the stepparent is disregarded for 6 months when determining eligibility for 1931.
5. Disregard occasional small gifts.
6. Non-recurring lump sum income is disregarded.
7. General assistance paid to the family is disregarded as income.
8. There is no time limit on receipt of the $30 plus 1/3 deduction from earned income.
9. All reasonable child care expenses, for which the family is responsible, for any child in the unit are allowed as a deduction from income.
10. Adult dependent care expenses incurred for any incapacitated adult, including stepparents and minor parent's parents, in the unit are allowed as a deduction from income.
11. Parents can opt a child out of the unit to prevent counting that child's income or assets.
12. Gross income tests are eliminated.
13. Disregard TANF cash grant as income.

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The income and/or resource methodologies that the less restrictive methodologies replace are as follows:

Assets:
1. A new provision (This effectively raises the resource standard to $5,000 for 1 person and $8,000 for 2 or more).
2. A vehicle with an equity value of only up to $1500 was previously allowed.
3. Considered joint assets on a 50/50 basis
4. Replaces provision which allowed real property to be counted after 9 months even if the family continued to make a good faith effort to sell.
5. Non-recurring lump sum income was previously counted as an asset the first month following the month of receipt.
6. All such property was previously counted as an asset and was subject to the $1000 asset limit.
7. Burial was limited to $1,500 in a bonafide burial agreement.
8. Life estate values were previously counted as an available asset and were subject to the $1000 asset limit.
9. Replaces provision that based asset eligibility on the last day of the month.

Income:
1. Disregard of $90.
2. JTPA earnings were considered under some circumstances and earnings of part-time students were considered.
3. AFDC considered income from Job Corps
4. A new provision
5. The amount was $10
6. Non-recurring lump sum income was prorated.
7. Previously counted as income.
8. Previously limited to 4 consecutive months of $30 plus 1/3, then 8 months of $30.
9. Previously limited in dollar amount and only for children included in the grant.

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10. The previous provision only allowed the deduction if the incapacitated adult was included in the grant.
11. Children could not be opted out of the unit.
12. Gross income tests were completed monthly.
13. A new provision.

___ The agency terminates medical assistance (except for certain pregnant women and children) for individuals who fail to meet TANF work requirements.

___ The agency continues to apply the following waivers of provisions of Part A of title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996 and approved by the Secretary on or before July 1, 1997.